

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Genevieve Lamont	Team: Squad #8	CCRB Case #: 201904226	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 05/09/2019 11:00 AM	Location of Incident: 90th Precinct stationhouse	Precinct: 90	18 Mo. SOL 11/9/2020	EO SOL 6/26/2021	
Date/Time CV Reported Wed, 05/15/2019 11:58 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 05/15/2019 11:58 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Paul Ortiz	98	943634	NARCBBN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Michael Muskin	349	943599	NARCBBN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Paul Ortiz	Abuse: Detective Paul Ortiz failed to provide § 87(2)(b) with a business card.	
§ 87(4-b), § 87(2)(g)		

Case Summary

On May 15, 2019, § 87(2)(b) filed the following complaint with the CCRB online.

On May 9, 2019, at approximately 11:00 a.m., § 87(2)(b) went with his godbrother, § 87(2)(b), to the 90th Precinct stationhouse in Brooklyn, for information regarding his godmother, § 87(2)(b), arrest. He spoke with Det. Paul Ortiz from Brooklyn Narcotics North, who informed him that § 87(2)(b) had been arrested on a § 87(2)(b). At the end of their conversation, § 87(2)(b) asked for Det. Ortiz's business card, to which Det. Ortiz responded that he did not have one (**Allegation A: Abuse of Authority**; § 87(2)(g) § 87(2)(b) then asked for his name and shield number, which Det. Ortiz provided, but § 87(2)(b) did not hear. § 87(2)(b) then asked Det. Michael Muskin of Brooklyn Narcotics North for Det. Ortiz's information, which he provided.

§ 87(2)(b) recorded his conversation with Det. Ortiz on his cellphone, and provided the investigation with the audio [BR01]. Stationhouse footage was also obtained, but only captured § 87(2)(b) leaving the stationhouse [BR02]. Neither Det. Ortiz nor Det. Muskin were equipped with body-worn cameras for this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Paul Ortiz failed to provide § 87(2)(b) with a business card.

§ 87(4-b), § 87(2)(g)

It is undisputed that Det. Ortiz did not provide his business card to § 87(2)(b) upon request, due to not being equipped at the time.

§ 87(2)(b) testified that after speaking with Det. Ortiz, he requested his business card [BR03]. Det. Ortiz responded that he did not have business cards on him. § 87(2)(b) then asked for his name, which Det. Ortiz provided, but § 87(2)(b) could not hear, as Det. Ortiz had begun to walk away. An audio recording taken on § 87(2)(b)'s cellphone captured § 87(2)(b) asking for Det. Ortiz's business card at 9:50 minutes, who then responded that he did not have any [BR01]. Det. Ortiz is also heard providing his name to § 87(2)(b).

Det. Ortiz testified that he spoke with § 87(2)(b) regarding § 87(2)(b) arrest, but was not the arresting officer [BR04]. After his conversation with § 87(2)(b) he directed Det. Muskin to speak with him, as Det. Muskin was § 87(2)(b) arresting officer. Det. Ortiz stated that he did not provide his business card to § 87(2)(b) as he was not conducting law enforcement activity (he was processing § 87(2)(b) arrest), and, as such, was not equipped with them [BR04]. He stated that he provided his name and shield number when § 87(2)(b) asked, who seemed to have heard him, as he repeated his name back to him and thought his shield number was too short. Det. Muskin did not observe § 87(2)(b) request Det. Ortiz's business card, and only asked for his name and shield number, which Det. Muskin provided [BR05].

As per New York City Administrative Code §14-174, an officer shall offer a business card to any person requesting identifying information, or provide such information verbally to such person and allow such person sufficient time to record such information when a business card is unavailable [BR06].

As per Patrol Guide Procedure 209-04, all on duty members of service must be equipped with Right to Know Act business cards [BR07].

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to four prior CCRB complaints [BR08].
 - § 87(2)(b)
- Det. Ortiz has been a member of service for 12 years, and has been a subject in seven previous complaints and 17 allegations. § 87(2)(g)
 - A search of person and a stop allegation were substantiated for case #201202569, and charges were recommended. APU found him not guilty for the stop and guilty for the search, for which a forfeiture of five vacation days was recommended.

Mediation, Civil and Criminal Histories

- § 87(2)(b) agreed to mediate this complaint, § 87(2)(g)
- On July 19, 2019, a FOIL request was submitted to the New York City Office of the Comptroller to determine if a Notice of Claim was filed regarding this complaint [BR09].
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____

Signature

Print Title & Name

Date

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